

IRAN-IRAQ

UNCLASSIFIED

INCL 1 TO REPORT NO. R-99-5A

PAGE NO. 1

10 APR 54

EXTRACTS FROMANNEXURE I TO IRAQ GOVERNMENT GAZETTE NO. 26 OF 26 JUNE 1938FRONTIER TREATYBETWEEN THE KINGDOM OF IRAQ AND THE EMPIRE OF IRANARTICLE 2.

The following provisions shall apply to the Shatt-al-Arab from the point where the land frontier of the two States descends into the said river as far as the open sea:

(a) The Shatt-al-Arab shall remain open to merchant ships of all countries equally. All dues levied shall be in the nature of payment for services rendered and intended solely to cover in an equitable manner the expenses of maintaining the navigability, and improving the navigable channel and the approach, of the Shatt-al-Arab from the seaward side, or to meet expenditure incurred in the interest of navigation. The said dues shall be calculated on the basis of the official tonnage of ships or their draught, or both together.

(b) The Shatt-al-Arab shall remain open to the passage of warships and other vessels belonging to the two High Contracting Parties used for non-commercial purposes.

(c) The fact that in the Shatt-al-Arab the boundary line sometimes follows the low-water mark and sometimes the thalweg or the medium filum aquae does not prejudice in any way the right of user of the two High Contracting Parties in the whole course of the river. (1)

ARTICLE 5.

The two High Contracting Parties, having a common interest in the navigation of the Shatt-al-Arab as defined in Article 4 of the present Treaty, undertake to conclude a convention concerning the maintenance and improvement of the navigable channel, dredging, pilotage, dues to be levied, sanitary measures, measures to be taken for the prevention of smuggling, and all other matters relating to the navigation in the Shatt-al-Arab as defined in Article 4 of the present Treaty.

PROTOCOL (Para.) II.

The High Contracting Parties undertake to conclude the convention mentioned in Article 5 of the Treaty in the course of one year from the entry into force of the Treaty.

If

It, notwithstanding the efforts exerted by Them, this convention is not concluded in the course of the year, this period may be extended by common agreement of the High Contracting Parties.

The Imperial Government of Iran agrees that during the period of one year mentioned in the first paragraph of this article and during the extension of this period, if this extension takes place, the Royal Government of Iraq shall undertake on the basis now in force all matters which are to be dealt with by this convention. The Royal Government of Iraq, shall, by means of biannual communications, keep the Imperial Government of Iran informed of the works carried out, the dues levied, the expenses incurred and of all other measures taken.

- 1) However, by direct negotiation Iraq and Iran, in the frontier treaty, signed at Teheran, July, 1937, fixed the boundary in the Shatt al Arab in the thalweg for about four miles opposite Abadan, but elsewhere the boundary remains on the eastern bank.

From Boggs, International Boundaries p. 148

*what about
opposite
Khorramshahr?*